

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 76-179-T - ORDER NO. 19,702 ✓
December 15, 1976

| | | |
|--|---|--------------------|
| IN RE: The application of Robert W. Turner |) | |
| and Lester B. Carson d/b/a United |) | ORDER DENYING |
| Courier Service, 511 Durant Avenue, |) | REHEARING, |
| North Charleston, S. C. 29406, |) | ORAL ARGUMENT, |
| for a Class E Certificate to render |) | OR RECONSIDERATION |
| motor freight service over irregular |) | |
| routes. |) | |

A Petition for Rehearing, Oral Argument or Reconsideration was filed with the South Carolina Public Service Commission (Commission) on November 10, 1976, in the above captioned application on behalf of Greyhound Lines, Inc., Thurston Motor Lines, Standard Trucking Company, Continental Southeastern Lines, Inc., and Southeastern Freight Lines. Briefly stated, these motor carriers, all protesting parties at the hearing held in the application of Robert W. Turner and Lester B. Carson, d/b/a United Courier Service (United Courier), assert that the testimony and evidence of record does not justify the Commission's decision in light of South Carolina law and the rules of the Commission. These protestants therefore assert that the Commission has abused its discretion in granting the application. As a result of these alleged abuses, the protestants conclude that the Commission should grant a rehearing "for the purpose of reversing in full or modifying its order in such particulars as may be just and proper."

In response to these allegations, the Commission sees no value in recapitulating the testimony of record. Order No. 19,606 in Docket No. 76-179-T explicitly sets forth in a very detailed fashion the crucial evidence of record.

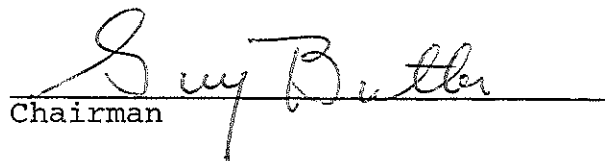
In reviewing this Order and the record, the Commission believes that it has fairly and accurately appraised this application and the position of the various parties. Moreover, the Certificate of Public Convenience and Necessity granted to United Courier was not nearly as broad as the authority originally requested. Note, for example, that the application requested authority to haul "small packages or articles (except coin and currency) not to exceed 150 pounds per package," but, as granted by the Commission, the certificate issued to United Courier only allowed the carriage of "small packages or articles ... [many more exceptions] not to exceed 100 pounds per shipment." The whole purpose of this molding of language was to tailor the certificate issued to the evidence of record. It is our view that we effectively accomplished that purpose. Further, it is our view that the allegations in the petition are adequately treated in Order No. 19,606.

Therefore, a lengthy discourse herein would serve no useful purpose. In sum, the Commission believes, and would refute any allegation to the contrary, that the specific findings of fact and conclusions of law contained in Order No. 19,606 fully comport with the evidence of record in this case, the law in this State, and the rules of this Commission.

IT IS THEREFORE ORDERED:

That no useful purpose would be served by granting rehearing, oral argument or reconsideration in this matter and, therefore, the request for rehearing, oral argument, or reconsideration by the protestants is hereby denied.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Acting Executive Director

(SEAL)